

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6250 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SUSHILABEN D PANDYA

Versus

BALVIKASH YOJANA ADHIKARI

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Appearance:

MR IS SUPEHIA for Petitioner

MR MD PANDYA for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/08/98

ORAL JUDGEMENT

RULE.

The petitioner was serving as Anganwadi worker with respondent No.1 under the Child Development Programme on a monthly salary of Rs.400/- per month. Her services were terminated by order dated 22.3.1995 passed

by the respondent No.1. It is alleged that the petitioner was involved in theft of certain oil tins. The petitioner preferred an Appeal against the said order before respondent No.2, the Programme Officer, I.C.B.S. Cell, District Panchayat Office, Mehsana. The said Officer found that the petitioner was not involved in the said theft and in fact some other lady is involved. In view of this, the order dated 22.3.1995 was quashed and set aside. However, she was not allowed to resume the duties, and therefore, she approached this Court by way of Special Civil Application No.2688/96. The respondent put in appearance in the said case and took the plea that the matter has been taken in Appeal to the respondent No.3-District Development Officer. At the instance of respondent No.1-Balvikash Yojana Adhikari, this Court, by order dated 15.4.96 disposed of the said Appeal. In view of the pendency of the Appeal before respondent No.3, liberty was given to approach in case the appeal was decided against her. The Appeal has been allowed by the respondent No.3 and the order passed by the respondent No.2 dated 14.10.95 has been set aside.

2. It is contended by the learned Advocate that the order passed by the respondent No.3 is a non-speaking order. It does not disclose the reason for setting aside the order passed by respondent No.2. It is simply stated that the view expressed by respondent No.2 cannot be reconciled. In my view, it is not sufficient to say so. The Appellate Authority was required to examine the question in greater detail and to arrive at its own conclusion whether there was any involvement of the petitioner in the alleged theft or not. No reason has been given for disturbing the findings given by the respondent No.2 that the petitioner is not involved and in fact some other lady was involved. In view of this, the order passed by the respondent No.3 dated 24.6.97 cannot be sustained.

3. Consequently, this Special Civil Application is allowed. The order dated 24.6.1997 passed by the respondent No.3-District Development Officer is quashed and set aside. Rule made absolute accordingly.

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msp.